

**Planning Commission Meeting
April 4, 2000**

The San Bruno Planning Commission held its regular meeting on Tuesday, April 4, 2000 in the City Hall Council Chambers. Chair Birt called the meeting to order at 7:00 P.M. Roll call found C. Schindler, Marshall, Tobin, Petersen, Johnson present. Absent: C. Sammut. Staff present: George D. Foscardo, Community and Economic Development Director; Steve Padovan; Associate Planner; Grant Wilson, Associate Planner; Janet Aki, Recording Secretary. C. Tobin led the assemblage in the Pledge of Allegiance.

1. Approval of Minutes - Meeting of March 21, 2000

M/S Johnson, Tobin to approve minutes as submitted; all ayes. Absent: Sammut

2. Communications

Mr. Foscardo announced 205 Angus Avenue would go before the City Council on April 11, 2000.

3. Public Comment Items Not on Agenda - None

4. 160 El Camino Real - Continued from March 21, 2000 (Tape File 403-A, B)

Revised request for a Conditional Use Permit, Architectural Review Permit, and Parking Exception to allow construction of a 960 square foot convenience mart within an existing retail building and new gas pump canopy on the site of a former gas station and existing carpet store per Sections 12.96.110.C.6, 12.108.010.A, and 12.100.090 of the San Bruno Zoning Ordinance. Architectural Review Permit 00-01 Parking Exception 00-01, Use Permit 00-04 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: General Commercial (C-1)

C. Birt abstained from this item due to having a residence within 300 feet of the subject site. C. Johnson assumed as chair.

Mr. Wilson entered staff report dated April 4, 2000 into the record. A digital photo presentation was provided. Mr. Wilson stated he had received several phone calls both for and against this application. Additionally, a call from the San Mateo County Health Department revealed another tank was found under the carpet store building which may require demolishing the building in order to remove the tank.

C. Marshall questioned why this application was being considered since it had been previously denied based on the site containing three uses. Mr. Wilson explained this is a different applicant and the existing buildings will remain whereas the previous application called for a new building. The property owner is the same, however, it is his understanding this applicant will take ownership if the project is approved. Mr. Foscardo added that any applicant has the right to apply and be heard. The previous applications were also denied without prejudice allowing resubmittal at any time.

C. Tobin pointed out an emergency permit had to be issued for the tank removals and they also appear to be drilling for water. The ADA curb cut looks like a ramp with a railing. The site had a huge hole with easy access and the storage shed also contained hazardous materials. Mr. Wilson responded they are drilling for water to determine if there is contamination due to any leaks from the tanks. Mr. Foscardo advised the curb cut will have to meet ADA standards and there are several places in town where railings have been installed to prevent people from crossing El Camino Real. The Fire Department has been advised of the possible hazardous access and materials. Also, the hole had been filled as of today.

The public hearing opened. Richard Camponuevo, project architect, was present. Mr. Camponuevo advised he has been working closely with the Planning and Building Department as well as the Park and Recreation Department to address various concerns about the project. The site has been completely leveled and the hole has been filled. He was not aware another tank had been found. Regarding the three uses for the site, the property has always had a gas station, convenience store and carpet store. They plan to remove the shed which will provide better traffic circulation on the site. The shed actually contained three vending

machines. The convenience store will provide only snacks so it will not be a huge operation. He feels the site will contain only two uses, a gas station and carpet store which has been there for eight years.

C. Marshall pointed out the traffic circulation will probably present a problem when a car is parked in the spaces at the carpet store, a car is at the outside pump, and someone wants to get to the inside pump. He also asked where delivery trucks would park when coming to the convenience store and carpet store. Mr. Camponuevo responded he did not foresee any problem getting to the inside pump. Additionally, since the stock at the convenience store will be so small, most likely the owners will pick these up at a warehouse type operation.

C. Tobin discussed the fence and landscaping on the back part of the property and why they want to save the large Juniper tree. Mr. Camponuevo stated the adjacent neighbor is using part of this property and they plan to straighten the fence and also level the property to prevent water from running next door. They plan to install a drain pipe to the underground pipe for the storm drain. The Juniper tree is the only one in the corner and it is about 15' high. All limbs have been trimmed so it does not present a problem getting in or out of the driveway. If requested, they would remove the tree.

C. Petersen inquired if Mr. Camponuevo had seen delivery trucks at the carpet store. Mr. Camponuevo responded he had not and the owner advised he uses a three ton truck for his business. C. Petersen then inquired if they had considered demolishing the old building and putting in a new convenience store and additional parking where the carpet store is located. Mr. Camponuevo pointed out a larger store would require 14 parking spaces which would eliminate the gas station usage. The carpet store requires two spaces. The convenience store will have five spaces and the gas station their own parking. The owner has stated it would be a financial hardship to relinquish the rent from the carpet store. The entire building will be refaced so it will look like just one gas station.

C. Schindler complimented Mr. Camponuevo on his presentation. He added cannot see where the carpet store creates an inconvenience to the gas station but does concur there might be a circulation problem getting to some of the pumps. Mr. Camponuevo stated the largest percentage of customers will be coming from El Camino Real and the radius is more than what is required for a gas station.

Mike Buyaki, San Luis Avenue, stated he has lived in the area for 22 years and was happy to have a gas station on the corner, however, there have been a lot of problems with the property owner. The trucks start work at 5:45 A.M. and did a good job of filling the hole after it sat like that for a year and a TV sat on the sidewalk for two months. There was a shed on the lot, containing two vending machines, and this was where you paid for gas and could also purchase cigarettes. He would like to see a successful business at this site.

Bill Ruggiero, San Luis Avenue, concurred that the Commission should not be considering this application since nothing has changed from the previous denial and the City Council made it clear there are to be only two uses at this property. The biggest issue is the parking exception; they have seven and are required to provide 14. Two spaces prevent people from using the air and water. Toxic waste is also a concern since the contaminated soil could have polluted the ground water. At some point, they will probably want to tear down the wall between the convenience store and carpet store leaving the site with an old building. Also, 22' delivery trucks will have a problem maneuvering on the site.

The public hearing closed without objection.

C. Tobin commented the site looks cluttered although it is a very creative design. C. Petersen concurred if the building looks as good as the design, the business at the carpet store could increase such that parking would become a real problem. One of the advantages of approving the application is the owner could move quickly to renovate the site. He also suggested the building should be evaluated as to whether it is sound.

Mr. Foscardo responded it would be the burden of the applicant to ensure the building is stable.

C. Schindler suggested the site appears to have only two uses since the convenience store will have a minimum amount of goods and will be used primarily as a place to pay for gas. He would rather see a larger store which can serve the needs of the neighborhood. The circulation plan appears to be congested. C. Johnson asked for confirmation whether a convenience store on a gas station property would be considered a second use. Mr. Wilson responded they would be considered two uses if split off into two different operations, however, this will be one operation. Mr. Foscardo said this use will also have shared parking wherein customers will drive to the pump island and pay at the store. C. Marshall asked if air and water had to be accessible. Mr. Wilson responded they are required to provide this service, however, some proposals in the past have provided water at a pump island.

C. Johnson discussed concerns such as traffic flow, parking, deliveries, and gas tanks. The carpet store will generate income. The owner has not acted in good faith in the past.

M/S Tobin, Marshall that the Planning Commission deny the request without prejudice.

C. Petersen pointed out that after a series of applications, perhaps the Commission should deny the request.

M/S Tobin, Marshall to deny the request based on the following findings of fact; passed by the following vote:

AYES: C. Tobin, Marshall, Schindler, Johnson, Petersen
NOES: None ABSTAIN: C. Birt ABSENT: C. Sammut

Findings of Fact for Denial:

1. Proper notice of the public hearing for Architectural Review Permit 00-01, Use Permit 00-03, and Parking Exception 00-01 was given by legal notice published in the San Bruno Herald, Saturday, March 11, 2000, and notice mailed to property owners within 300 feet of the site on March 7, 2000.
2. Notice of Public Hearing was duly posted for consideration of the use permit, architectural review permit, and parking exception for the City of San Bruno Planning Commission meeting of April 4, 2000.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. Because of the small size of the subject parcel (9088 square feet), the proposed project to reconstruct a gasoline service station and add a convenience market at 160 El Camino Real, in addition to the existing retail use on the parcel would hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof.
5. The general appearance of the structures and grounds would not be in keeping with the character of the neighborhood, would be detrimental to the orderly and harmonious development of the City, and would impair the desirability of investment or occupation in the neighborhood because of the intensity of the development on the site.
6. The parking for the uses proposed for the site is far less than that required by the San Bruno Zoning Ordinance.
7. With fewer uses on the site the applicant could provide adequate parking.

8. The strict application of the zoning ordinance will not deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

9. The granting a parking exception for this request would constitute a special privilege inconsistent with the limitations upon other properties in the vicinity of the subject property.

10. The granting of a permit for this request would be inconsistent with the direction

(C. Johnson advised of the seven day appeal period).

C. Birt assumed as chair.

5. 260 Milton Avenue (Tape File 403-B)

Request for a Use Permit to allow the construction of a 984 square foot, two story addition to the rear of an existing single-family dwelling resulting in a greater than 50% expansion to the existing gross floor area and a living area greater than 1,825 square feet with a one car garage; per Sections 12.200.030.B.1, 5 and 12.200.080.A.2 of the San Bruno Zoning Ordinance. Use Permit 00-06 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Low Density Residential (R-2)

Mr. Padovan entered staff report dated April 4, 2000 into the record. A digital photo presentation was provided

The public hearing opened. Tracy Wallace, applicant and property owner, stated the property directly South of this has one window that hovers over the kitchen and he does not feel this addition will have an affect on that site. C. Marshall expressed concern about having a flat roof next to a pitch roof. Mr. Wallace said his future plans include adding a deck over that area.

C. Tobin discussed the angle of the first floor addition, whether French doors would be placed on the upper area, and if the windows would comply with the aircraft noise abatement standards. Mr. Wallace responded there is an angle because a straight design would cause an accessibility problem in getting to the family room area. Also, a straight design would block the sunlight coming into the kitchen. He has talked with the aircraft noise abatement office and they will provide the name of the window manufacturer and he will order from that company.

The public hearing closed without objection.

M/S Marshall, Tobin that the San Bruno Planning Commission approve Use Permit 00-06 pursuant to the following findings of fact and conditions passed by the following vote:

AYES: C. Marshall, Tobin, Petersen, Johnson, Schindler, Birt

NOES: None ABSENT: C. Sammut

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, March 25, 2000 and notice mailed to property owners within 300 feet of the project site on March 24, 2000.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an

administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.

5. The request for a Use Permit to allow the construction of a 984 square foot, two story addition to the rear of an existing single-family dwelling resulting in a greater than 50% expansion to the existing gross floor area and a living area greater than 1,825 square feet with a one car garage at 260 Milton Avenue will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use because the addition will blend well with the existing home as well as those surrounding, there is adequate parking provided and the use is consistent with surrounding residential uses.

6. The new addition will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city because the proposal is consistent with the size and scale of the surrounding neighborhood and the design, architecture, and materials will match the existing structure.

7. The proposal for an expanded single-family home is consistent with the San Bruno General Plan which designates the property for low-density residential purposes.

8. The proposed dwelling is in conformance with the San Bruno Redevelopment Project Area Plan, dated July 1999.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 00-06 shall not be valid for any purpose. Use Permit 00-06 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The request for a Use Permit to allow the construction of a 984 square foot, two story addition to the rear of an existing single-family dwelling resulting in a greater than 50% expansion to the existing gross floor area and a living area greater than 1,825 square feet with a one car garage at 260 Milton Avenue shall be built according to plans approved by the Planning Commission on April 4, 2000 labeled Exhibit "B," except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Director of Planning and Building.

3. The applicant shall obtain a City of San Bruno building permit before construction can proceed.

4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

5. The residence and garage shall be used only as a single-family residential dwelling unit. **No** portion of the residence or garage shall be rented out as a secondary residential dwelling unit.

6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for revocation of this permit.

7. Prior to final inspection, the windows, trim, roof material, and exterior finish and color on the

addition and existing structure shall match.

8. The addition shall be painted to match the existing building
9. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
10. Install a new sanitary sewer clean out at the property line per City requirements.
11. Install a new roll-up door on the garage.

(C. Birt advised of the seven day appeal period).

6. 209 West Angus Avenue (Tape File 403-B)

Request for a Conditional Use Permit to allow addition of grocery sales to an existing retail store; per Section 12.96.120.C.2 of the San Bruno Zoning Ordinance. Use Permit 00-07 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Central Business District (C-B-D)

Based on staff's recommendation, M/S Marshall, Tobin to continue this item off calendar; all ayes. Absent: C. Sammut

7. Specific Plan Study Session - Public Comment (Tape File 403-B)

Environmental Determination: Environmental Impact Report Zoning: Administrative Research (A-R) Neighborhood Commercial (C-N) High Density Residential (R-4) Open Space (O)

Mr. Padovan stated the next meeting will be Thursday, April 6, 2000 and speakers have been lined up to discuss various issues. At this point, the Navy is willing to give up Building B103, however, they do want to keep a 150' buffer zone around the brick building. Also, the Navy has not found any property for their existing facilities so they plan to lease back space in three buildings at the Southwest corner of the property.

8. City Staff Discussion

The Architectural Review Committee will meet Thursday, April 13, 2000 with C. Johnson, Birt.

9. Planning Commission Discussion - None

10. Adjournment

The meeting adjourned at 8:30 P.M. by motion made and passed unanimously.

Respectfully submitted,

George D. Foscardo
Planning Commission Secretary

Janet Aki, Recording Secretary